



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/581,119

05/30/2006

Johan Cornelis Talstra

NL 031439

5196

24737

7590

04/14/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

CHU, KIM KWOK

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

04/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/581,119	Applicant(s) TALSTRA ET AL.	
	Examiner Kim-Kwok CHU	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 1/2/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2627

Drawings Objected To, Details Not Shown

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, in Claim 1, lines 6 and 7, the amended feature "stored in said side channel in a pregroove in said data zone" must be shown or the feature canceled from the claims. No new matter should be entered.

Similarly, in each of independent Claims 9-13, the amended feature "in said side channel in a pregroove in said data zone" must be shown or the feature canceled from the claims. No new matter should be entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding the amended Claim 1, lines 6 and 7, the phrase "stored in said side channel in a pregroove in said data zone" is not clear. In general, the pregroove such as pre-pits or

Art Unit: 2627

embossed pits are located in a lead-in zone as Applicant disclosed in his specification, section 0011. In other words, the amended feature "pregroove" should be in the initial zone and can not be located in the data zone.

Similarly, in Claims 9-13, the amended feature "pregroove in said data zone" is not clear because the pregroove should be in the initial zone and can not be located in the data zone.

The claims not specifically mentioned above are rejected because these claims are dependent on the rejected base claims.

Art Unit: 2627

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

5. Claims 1-12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Tosaki et al. (U.S. Patent 6,633,534).

6. Tosaki teaches a recording carrier having all of the structures as recited in claims 1-8. For example, Tosaki teaches the following:

Regarding to Claim 1, the record carrier 1 (Fig. 1A) having a data zone 5 and an initial zone 3, 4 (Fig. 1B) and comprising a main channel storing content (recording information in tracks 7 in data zone 5); and a side channel (test area3, lead-in 4; column 6, lines 40-43) storing address information and data relevant for making recordings (management information in lead-in 4), wherein content protection information (key for copyright) for protection of the content (main recording information in data zone 5) is stored in the side channel 4 in a pregroove in the data (initial) zone (pregroove only exists in

Art Unit: 2627

initial zone 3 and 4), wherein the main channel is for recording information in the data zone (column 2, lines 45-52).

Regarding Claim 2, the content protection information comprises a key block (key storage tracks; column 7, lines 23-34).

Regarding Claim 3, the content protection information comprises a particular a pointer (management information) to a storage location of a key block stored in the initial zone (Fig. 1B; column 7, lines 23-34).

Regarding Claim 4, wherein the content protection information (key) comprises a pointer (management information) to a storage location of a backup (another key information storage location) of the key block stored in the initial zone (Fig. 1B; column 7, lines 23-34).

Regarding Claim 5, wherein the content protection information (key) is stored as a part of the address information (Fig. 1B; part of the lead-in information).

Regarding to Claim 6, wherein the record carrier is a DVD+R disc or a DVD+RW disc and the side channel is an ADIP side channel (column 6, lines 21-29).

Regarding to Claim 7, wherein the record carrier 1 is a DVD-R disc or a DVD-RW disc and the side channel is a LPP (land prepits) side channel (column 3, lines 1-3).

Art Unit: 2627

Regarding Claim 8, wherein the record carrier is a DVD and a copy of the content protection information (key) is stored in a buffer zone in a lead-in zone of the record carrier (pregrooves are buffer zones).

7. Method claim 9 is drawn to the method of using the corresponding apparatus claimed in claim 1. Therefore method claim 9 corresponds to apparatus claim 1 and is rejected for the same reasons of anticipation as used above.

8. Claim 10 has limitations similar to those treated in the above rejection, and is met by the references as discussed above.

Art Unit: 2627

9. Tosaki teaches an apparatus for reading out protected content stored on a record carrier having all of the elements and means as recited in claim 11. For example, Tosaki teaches the following:

Regarding to Claim 11, the record carrier 1, (Fig. 1A) having a data zone 5 and an initial zone 3, 4 (Fig. 1B) and comprising a main channel storing content (main recording data in zone 5) and a side channel (lead-in information) storing address information and data relevant for making recordings (Fig. 1B; column 7, lines 14-23), the apparatus comprising means 31 (DVD player; column 15, lines 43-45) for reading out of the protected content, means 31 for reading out of content protection information for protection of the content, the content protection information (key) stored in the side channel in a pregroove in the data/initial zone, means 35 decrypting the content using the content protection information (Figs. 10 and 11), where the main channel is for recording information in the data zone 5 (Fig. 1B).

10. Method claim 12 is drawn to the method of using the corresponding apparatus claimed in claim 11. Therefore method claim 12 corresponds to apparatus claim 11 and is rejected for the same reasons of anticipation as used above.

Art Unit: 2627

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 13 and 14 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Tosaki et al. (U.S. Patent 6,633,534) in view of Ciacelli et al. (U.S. Patent 6,236,727).

Tosaki teaches a computer controlled record carrier player very similar to that of the present invention. For example, Tosaki teaches the following: a computer performing (optical disk is controlled by a computer means) storing content in a main channel storing address information (recording information in tracks 7 in data zone 5) and data relevant for making recordings in a side channel (test area3, lead-in 4; column 6, lines 40-43) (Fig. 1B; column 7, lines 14-23); and storing content protection information for protection of the content in the side channel in a pregroove in a data zone (pregroove only exists in initial zone 3 and 4), wherein the content protection information is used for protecting the content (Figs. 10 and

Art Unit: 2627

11), wherein the main channel is for recording information in the data zone 5 (Fig. 1B).

Regarding Claim 14, decrypting the content using the content protection information; and outputting the decrypted (authorized) content (Fig. 10; key is being read and data is authorized to read/copy).

However, Tosaki does not teach the following:

Regarding Claim 13, a computer program stored on a computer readable memory medium, the computer program comprising computer program code means for causing a computer to perform the above acts when the computer program is run on a computer.

Ciacelli teaches a computer program stored on a computer readable memory medium, the computer program comprising computer program code means for causing a computer to perform disk operations when the computer program is run on a computer (Fig. 1).

To perform an optical disk operations such as recording/reproducing data, a set of procedures are written accordingly and then stored in a memory medium/device in order to control the disk. In such case, although Tosaki does not disclose his disk read/write is controlled by a computer, it would have been obvious to one of ordinary skill in the art to use Ciacelli's computer control means having disk operating

Art Unit: 2627

procedures/programs stored in a computer readable memory in Tosaki's optical disk apparatus, because the procedures can be written to performs various disk controlled operations by updating the procedures/programs instead of changing the disk electrical circuits.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2627

14. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen, can be reached on (571) 272-7579.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

/Kim-Kwok CHU/

Examiner AU2627

March 29, 2009

(571) 272-7585

/HOA T NGUYEN/

Supervisory Patent Examiner, Art Unit 2627